

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

KAREN TESTERMAN,  
LYNN-DIANE BRIGGS,  
and WAYNE PAUL SAYA, SR.,

Plaintiffs

v.

DAVID SCANLAN, SECRETARY OF STATE  
FOR NEW HAMPSHIRE  
and CHRIS AGER, NEW HAMPSHIRE  
REPUBLICAN STATE COMMITTEE,

Defendants

Case No. 1:23-cv-00499-JL-AJ

**OBJECTION OF DEFENDANTS CHRIS AGER AND NEW HAMPSHIRE  
REPUBLICAN STATE COMMITTEE TO PLAINTIFF TESTERMAN’S MOTION TO  
“WAIVE” PROVISIONS OF FED. R. CIV. P. 6**

Defendants Chris Ager and the New Hampshire Republican State Committee (together, the “NHRSC”), object to plaintiff Karen Testerman’s motion requesting that the court “waive” the time set by rule to file an answer. This objection rests on the following grounds.

Mrs. Testerman moved the court on November 27, 2023, pursuant to “Fed R. Civ P. 6(B)(1) [sic]” – apparently – to either shorten or dispense with the time period prescribed by Fed. R. Civ. P. 12(a)(1) for an answer to plaintiffs’ original complaint. The motion does not cite Rule 12, nor does it explain how Rule 6(b), which provides for the extension of deadlines set by the rules can be applied to shorten or eliminate a response period. As a threshold matter, then, Mrs. Testerman has failed to demonstrate that she is entitled to the relief she seeks under the rules.

The court need not reach the merits of the motion, however, because both defendants have since filed motions to dismiss under Rule 12(b) in lieu of answers and plaintiffs have filed multiple assented-to motions to amend the original complaint. Accordingly, Mrs. Testerman's motion to "waive" is now moot and should be denied for that reason.

Respectfully submitted,

CHRIS AGER, NEW HAMPSHIRE  
REPUBLICAN STATE COMMITTEE,  
By Their Attorneys,

Date: December 13, 2023

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CERTIFICATE OF SERVICE

I hereby certify that the within document is being served electronically through the court's electronic filing system upon counsel of record and all other parties who have entered electronic service contacts in this docket. In addition, the following parties have been served by email and U.S. Mail:

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